

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GREGORY KACHMAN,)	3:16-cv-00007-MMD-WGC
)	
Plaintiff,)	<u>MINUTES OF PROCEEDINGS</u>
)	
vs.)	April 1, 2016
)	
CHAD E. ROSS,)	
)	
Defendant.)	
_____)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Katie Lynn Ogden REPORTER: FTR

COUNSEL FOR PLAINTIFF: Luke Busby

COUNSEL FOR DEFENDANT: Michael Large

MINUTES OF PROCEEDINGS: Status Conference

10:03 a.m. Court convenes.

The court convenes on an expedited basis to address Plaintiff's request to issue a subpoena duces tecum to the Sparks Police Department to obtain a copy of the dash cam footage recorded from Washoe County Deputy Sheriff Chad E. Ross' patrol vehicle the night of the incident at issue (ECF No. 14).

The court acknowledges Plaintiff's motion was filed Thursday, 3/31/2016 and Defendant has not had the opportunity to file a written response. However, the court hears oral argument concerning the duplication of the dash cam footage.

Washoe County Deputy District Attorney Michael Large argues the court has ordered general discovery be stayed for ninety (90) days with some limited exception to the stay of discovery as outlined during the discovery hearing held on 2/17/2016 (ECF No. 13). Mr. Large further asserts allowing the duplication of the dash cam footage for purposes related to the instant civil matter may undermine the criminal investigation currently being undertaken by the Sparks City Attorney. Finally, Mr. Large contends the action of duplicating the dash cam footage may have potential adverse consequences, such as damage to the original content of the video footage.

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After hearing from counsel and consideration of Plaintiff's request for additional limited discovery, the court is not convinced allowing Plaintiff the opportunity to issue a subpoena duces tecum for duplication of the dash cam footage is neither an unreasonable request nor will it necessarily compromise the current criminal investigation.

Mr. Large requests the court allow the Defendant a chance to formally respond to the Plaintiff's motion before entering its order. However, Mr. Large thereafter withdraws the request to formally respond and suggests the Plaintiff proceed with the subpoena duces tecum and Defendant will likely respond to any objection the Sparks City Attorney may file in response to the subpoena.

Mr. Busby has no objection to the approach suggested by Mr. Large.

IT IS THEREFORE ORDERED Plaintiff's "Motion to Permit Limited Discovery" (ECF No. 14) is **GRANTED** to the extent Plaintiff is permitted to issue a subpoena duces tecum to the Sparks Police Department to obtain a copy of the relevant dash cam footage from Deputy Ross' patrol vehicle. The Plaintiff shall borne the expense for duplication of the dash cam footage.

Counsel are directed to advise Sparks City Attorney Doug Thornley that the court will entertain an objection as to the subpoena duces tecum and any response from the Defendant in this matter regarding an objection filed by Sparks City Attorney.

IT IS SO ORDERED.

10:33 a.m. Court adjourns.

LANCE S. WILSON, CLERK

By: /s/
Katie Lynn Ogden, Deputy Clerk